FARAD CONTINUATION SHEET.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

WRIT PETITION No.6817 OF 2006.

Office Notes,Office Memorandum of Coram apperance,Court's Orders & Directions and Registrar's Order.	: Court or Judge's Order.

Mr.Bhavesh Parmar, Advocate for the Petitioner.

Mr.S.M. Naik with Mr.Shailesh More, Advocate for the Respondent No.1.

Ms. N. D. Buch i/b. Ms.Bina Dholakia, Advocate for Respondent No.2.

CORAM:R.M.S.KHANDEPARKAR,J.

DATED:29TH NOVEMBER, 2006.

1. Heard.

2. The petitioner challenges the order dated 19th January, 2006 passed by the Industrial Court, Nasik whereby the Application No. 19 of 1999 filed by the petitioner under Section 14 of MRTU and PULP Act,1971 has been dismissed. The challenge is mainly on the ground that the Industrial Court failed to take note of the fact that the workers of the already recognized union were denied their right to exercise discretion as

regards mode of payment of membership fee of the union, inasmuch as that membership fee was deducted from the bonus payable to the workmen and in that context, attention is drawn to the decision of this Court which was relied upon by the petitioner before the Industrial Court to which the reference is made in para 9 of the impugned order i.e. in the matter of **Association of Engineering Workers Vs. WMI Cranes Limited & another,reported in 2000 (3) Bom. C.R. 755.** There is no substance in the contention sought to be raised on behalf of the petitioner. It is nobody's case that the workers were compelled to make the payment of their membership fee to the already recognized union by way of deduction from the bonus payable to them. Admittedly, there has been neither complaint in that regard by any of the workman, nor even a grievance is made by the petitioner that the workers were prohibited or obstructed from raising any grievance in that regard. Apparently, such deduction is with the consent of those workmen.

Being so, no fault can be found with the impugned order on that ground.

3. As no other ground is disclosed for challenging the impugned order, there is no case made out for interference in the impugned order in exercise of the writ jurisdiction under Article 227 of the Constitution. Hence the petition fails and is hereby rejected.

[R.M.S.KHANDEPARKAR,J.]